

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2011 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 8, 2011

**HOUSE FILE 500**

**H-1189**

1 Amend House File 500 as follows:  
2 1. Page 1, after line 27 by inserting:  
3 <Sec. \_\_\_\_\_. Section 455A.5, Code 2011, is amended by  
4 adding the following new subsection:  
5 NEW SUBSECTION. 7. After notice of intended action  
6 is filed by the director regarding a proposed rule  
7 and upon the affirmative vote of five members of the  
8 commission, the commission may require the director  
9 to file notice terminating the rulemaking proceeding  
10 pursuant to section 17A.4, subsection 1, paragraph  
11 "b".>  
12 2. Page 2, after line 17 by inserting:  
13 <Sec. \_\_\_\_\_. Section 455A.6, Code 2011, is amended by  
14 adding the following new subsection:  
15 NEW SUBSECTION. 7. After notice of intended action  
16 is filed by the director regarding a proposed rule  
17 and upon the affirmative vote of six members of the  
18 commission, the commission may require the director  
19 to file notice terminating the rulemaking proceeding  
20 pursuant to section 17A.4, subsection 1, paragraph  
21 "b".>  
22 3. By renumbering as necessary.

**By** ISENHART of Dubuque

**H-1189** FILED MARCH 7, 2011

**HOUSE FILE 490**

**H-1195**

1 Amend House File 490 as follows:  
2 1. Page 2, line 32, by striking <fourteen> and  
3 inserting <twenty>  
4 2. Page 2, line 33, by striking <fourteen> and  
5 inserting <twenty>

**By** BALTIMORE of Boone

**H-1195** FILED MARCH 7, 2011

HOUSE FILE 148

H-1184

1 Amend House File 148 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 8.22A, subsection 2, Code 2011,  
5 is amended to read as follows:

6 2. The conference shall meet as often as deemed  
7 necessary, but shall meet at least quarterly. The  
8 conference may use sources of information deemed  
9 appropriate. At each meeting, the conference shall  
10 agree to estimates for the current and the next  
11 two succeeding fiscal years for the general fund  
12 of the state, lottery revenues to be available for  
13 disbursement, and from gambling revenues and from  
14 interest earned on the cash reserve fund and the  
15 economic emergency fund to be deposited in the rebuild  
16 Iowa infrastructure fund.

17 Sec. 2. Section 8.39, subsections 1 and 2, Code  
18 2011, are amended to read as follows:

19 1. Except as otherwise provided by law, an  
20 appropriation or any part of it shall not be used  
21 for any other purpose than that for which it was  
22 made. However, with the prior written consent and  
23 approval of the governor and the director of the  
24 department of management, the governing board or head  
25 of any state department, institution, or agency may,  
26 at any time during the fiscal year, make a whole or  
27 partial intradepartmental transfer of its unexpended  
28 appropriations for purposes within the scope of such  
29 department, institution, or agency. Such transfer  
30 shall be to an appropriation made from the same funding  
31 source and within the same fiscal year. The amount  
32 of a transfer made from an appropriation under this  
33 subsection shall be limited to not more than one-tenth  
34 of one percent of the total of all appropriations  
35 made from the funding source of the transferred  
36 appropriation for the fiscal year in which the transfer  
37 is made.

38 2. If the appropriation of a department,  
39 institution, or agency is insufficient to properly meet  
40 the legitimate expenses of the department, institution,  
41 or agency, the director, with the approval of the  
42 governor, may make an interdepartmental transfer from  
43 any other department, institution, or agency of the  
44 state having an appropriation in excess of its needs,  
45 of sufficient funds to meet that deficiency. Such  
46 transfer shall be to an appropriation made from the  
47 same funding source and within the same fiscal year.  
48 The amount of a transfer made from an appropriation  
49 under this subsection shall be limited to not more  
50 than one-tenth of one percent of the total of all

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1 appropriations made from the funding source of the  
2 transferred appropriation for the fiscal year in which  
3 the transfer is made. An interdepartmental transfer  
4 to an appropriation which is not an entitlement  
5 appropriation is not authorized when the general  
6 assembly is in regular session and, in addition,  
7 the sum of interdepartmental transfers in a fiscal  
8 year to an appropriation which is not an entitlement  
9 appropriation shall not exceed fifty percent of the  
10 amount of the appropriation as enacted by the general  
11 assembly. For the purposes of this subsection, an  
12 entitlement appropriation is a line item appropriation  
13 to the state public defender for indigent defense or to  
14 the department of human services for foster care, state  
15 supplementary assistance, or medical assistance, or for  
16 the family investment program.

17 Sec. 3. Section 8.39, Code 2011, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 2A. The aggregate amount of  
20 intradepartmental and interdepartmental transfers made  
21 from all appropriations for a fiscal year pursuant to  
22 this section is limited to not more than five-tenths of  
23 one percent of the total amount of the appropriations  
24 made from the general fund of the state for the fiscal  
25 year.

26 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being  
27 deemed of immediate importance, takes effect upon  
28 enactment.>

29 2. Title page, by striking lines 1 through 8  
30 and inserting <An Act relating to state expenditure  
31 requirements involving the revenue estimating  
32 conference and appropriation transfers and including  
33 effective date provisions.>

By RAECKER of Polk  
WENTHE of Fayette

## HOUSE FILE 148

### H-1192

1 Amend House File 148 as follows:

2 1. Page 1, after line 28 by inserting:

3 <Sec. \_\_\_\_\_. NEW SECTION. 421D.1 Tax expenditures  
4 repealed.

5 1. Beginning on June 30, 2012, and every fifth year  
6 thereafter, each Code provision in effect that provides  
7 for a state or local tax expenditure is repealed. For  
8 purposes of this section, "tax expenditure" means an  
9 exclusion from the operation or collection of a tax  
10 imposed in this state. Tax expenditures include tax  
11 credits, exemptions, deductions, and rebates. Tax  
12 expenditures also include sales tax refunds issued  
13 pursuant to section 423.4.

14 2. a. The repeal of a tax expenditure shall be  
15 applicable beginning with the tax year, assessment  
16 year, or fiscal year, as applicable, following the date  
17 of the repeal.

18 b. The repeal of a tax expenditure originally taken  
19 prior to its repeal that authorized the carryforward of  
20 an unused portion of the tax expenditure shall continue  
21 to be valid after its repeal until the unused portion  
22 is depleted or until expiration of the carryforward  
23 period provided for in the statutory authorization for  
24 the tax expenditure, whichever is earlier. The repeal  
25 of a tax expenditure shall not apply to a taxpayer who  
26 was authorized to take the tax expenditure pursuant  
27 to a contract entered into with a state agency until  
28 such time as the contract is voided or expires. A  
29 tax expenditure authorized for multiple years that is  
30 repealed pursuant to this section shall continue after  
31 the date of repeal until its expiration provided for in  
32 the statutory authorization for the tax expenditure.

33 Sec. \_\_\_\_\_. APPLICABILITY. The section of this  
34 division of this Act enacting section 421D.1 applies to  
35 tax expenditures in effect on and after June 30, 2012.>

36 2. By renumbering as necessary.

**By** ISENHART of Dubuque

H-1192 FILED MARCH 7, 2011

## HOUSE FILE 212

### H-1185

1 Amend House File 212 as follows:

2 1. Page 1, after line 15 by inserting:

3 <\_\_\_\_\_. A dress code policy adopted pursuant to this  
4 section shall not discriminate on the basis of race  
5 and shall fulfill the school district's affirmative  
6 obligation to disestablish any prior de jure segregated  
7 system.>

8 2. By renumbering as necessary.

**By** M. SMITH of Marshall

H-1185 FILED MARCH 7, 2011

**HOUSE FILE 212**

**H-1227**

1 Amend House File 212 as follows:

2 1. Page 1, line 8, after <prescribes> by inserting  
3 <for students or employees>

4 2. Page 1, line 10, by striking <a student's>

**By** KELLEY of Jasper

**H-1227** FILED MARCH 7, 2011

**HOUSE FILE 222**

**H-1204**

1 Amend House File 222 as follows:

2 1. Page 1, after line 9 by inserting:

3 <\_\_\_\_. This section shall not apply to any of the  
4 following:

5 a. Telephone calls made to a business telephone  
6 line.

7 b. Telephone calls made by a person who is  
8 personally acquainted with the intended recipient.>

9 2. Page 1, by striking lines 13 and 14 and  
10 inserting:

11 <\_\_\_\_. A person who violates this section is subject  
12 only to the civil penalties authorized by section  
13 68B.32D. Prior to imposing such a civil penalty, the  
14 board shall give a person on a committee one warning  
15 notice.>

16 3. By renumbering as necessary.

**By** COWNIE of Polk

**H-1204** FILED MARCH 7, 2011

HOUSE FILE 268

H-1215

1 Amend House File 268 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 483A.8B, Code 2011, is amended  
4 to read as follows:

5 483A.8B Senior crossbow deer hunting licenses.

6 1. A person who is a resident and who is ~~seventy~~  
7 sixty-five years of age or older may be issued one  
8 special senior statewide antlerless deer only crossbow  
9 deer hunting license to hunt deer during bow season as  
10 established by rule by the commission. A person who  
11 obtains a license to hunt deer under this section is  
12 not required to pay the wildlife habitat fee but shall  
13 be otherwise qualified to hunt deer in this state and  
14 shall have a resident hunting license.

15 2. A person may obtain a license under this section  
16 in addition to a statewide antlered or any sex deer  
17 hunting bow season license. Season dates, shooting  
18 hours, limits, license quotas, and other regulations  
19 for this license shall be the same as set forth by the  
20 commission by rule for bow season deer hunts.>

21 2. Title page, line 1, by striking <authorizing>  
22 and inserting <relating to>

23 3. Title page, lines 1 and 2, by striking <shotgun  
24 season>

25 4. By renumbering as necessary.

**By** ALONS of Sioux

LUKAN of Dubuque

H-1215 FILED MARCH 7, 2011

HOUSE FILE 381

H-1194

1 Amend House File 381 as follows:

2 1. By striking page 2, line 26, through page 3,  
3 line 12, and inserting:

4 <4. For a contract for private construction, if the  
5 owner fails to pay the contractor by the date payment  
6 is due pursuant to the contract, the owner shall pay  
7 interest to the contractor beginning on the first day  
8 after payment is due, computed at the rate of eighteen  
9 percent per annum.

10 5. For a contract for private construction, a  
11 contractor shall pay a subcontractor any amounts  
12 due within seven business days of whichever of the  
13 following is later:

14 a. Receipt of payment by the contractor from the  
15 owner, including payment of retainage, if retainage is  
16 released by the owner.

17 b. The date payment to the subcontractor is due  
18 pursuant to the contract.

19 6. If a contractor fails to pay a subcontractor  
20 pursuant to subsection 5, the contractor shall pay  
21 interest to the subcontractor beginning on the first  
22 business day after payment becomes due, computed at the  
23 rate of eighteen percent per annum.>

24 2. Page 3, line 13, by striking <6 and 7> and  
25 inserting <5 and 6>

26 3. Page 3, lines 28 and 29, by striking <in a  
27 contract for private construction or>

28 4. By striking page 6, line 10, through page 7,  
29 line 1, and inserting:

30 <3. For a contract for public construction, if the  
31 owner fails to pay the contractor by the date payment  
32 is due pursuant to the contract, the owner shall pay  
33 interest to the contractor beginning on the first day  
34 after payment is due, computed at the rate of eighteen  
35 percent per annum.

36 4. For a contract for public construction, a  
37 contractor shall pay a subcontractor any amounts  
38 due within seven business days of whichever of the  
39 following is later:

40 a. Receipt of payment by the contractor from the  
41 owner.

42 b. The date payment to the subcontractor is due  
43 pursuant to the contract.

44 5. If a contractor fails to pay a subcontractor  
45 pursuant to subsection 4, the contractor shall pay  
46 interest to the subcontractor beginning on the first  
47 business day after payment becomes due, computed at the  
48 rate of eighteen percent per annum.>

49 5. Page 7, line 2, by striking <6 and 7> and  
50 inserting <4 and 5>

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**H-1194**

Page 2

- 1 6. Page 7, lines 6 and 7, by striking <in a
- 2 contract for public construction or>
- 3 7. By renumbering as necessary.

COMMITTEE ON COMMERCE

SODERBERG of Plymouth, Chairperson

**H-1194** FILED MARCH 7, 2011

**HOUSE FILE 393**

**H-1187**

- 1 Amend House File 393 as follows:

- 2 1. Page 1, line 3, before <or> by inserting <,  
3 physician assistant,>

- 4 2. Page 1, line 4, before <or> by inserting <,  
5 physician assistant,>

- 6 3. Page 1, line 17, before <or> by inserting <,  
7 physician assistant's,>

- 8 4. Page 1, by striking lines 19 through 24 and  
9 inserting:

- 10 <b. A physician assistant or an advanced registered
- 11 nurse practitioner authorized to sign a death
- 12 certificate shall be licensed in this state and shall
- 13 have been in charge of the deceased patient's care.>

- 14 5. Page 1, line 29, before <or> by inserting <,  
15 physician assistant,>

- 16 6. Page 2, line 4, before <or> by inserting <,  
17 physician assistant,>

- 18 7. Title page, line 1, after <allowing> by  
19 inserting <a physician assistant or>

By L. MILLER of Scott

**H-1187** FILED MARCH 7, 2011

**HOUSE FILE 459**

**H-1198**

- 1 Amend House File 459 as follows:

- 2 1. By striking everything after the enacting
- 3 clause and inserting:

- 4 <Section 1. Section 400.1, subsection 2, Code 2011,
- 5 is amended to read as follows:

- 6 2. For the purpose of determining the population of
- 7 a city under this chapter, the most recent decennial
- 8 federal census ~~conducted in 1980~~ shall be used.

- 9 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2,
- 10 subsection 3, shall not apply to this Act.>

By GASKILL of Wapello

**H-1198** FILED MARCH 7, 2011



**HOUSE FILE 459**

**H-1210**

- 1 Amend House File 459 as follows:
- 2 1. Page 1, line 3, before <In> by inserting <a.>
- 3 2. Page 1, after line 17 by inserting:
- 4 <b. A city that seeks to dissolve its civil
- 5 service commission shall first adopt by ordinance
- 6 policies and procedures to ensure fair hiring and
- 7 discipline practices. These policies and procedures
- 8 shall be developed by a citizen board. The citizen
- 9 board shall consist of nine members, including two
- 10 management employees, two fire fighter employees, two
- 11 police officer employees, one other nonmanagement
- 12 city employee, and two members of the public. The
- 13 membership shall be bipartisan and gender balanced.
- 14 The city shall hold three public hearings on the
- 15 policies and procedures developed by the citizen
- 16 board prior to a vote on the ordinance. At the public
- 17 hearings, the council shall receive oral and written
- 18 comments regarding the policies and procedures from any
- 19 person.>
- 20 3. By renumbering as necessary.

**By GASKILL of Wapello**

**H-1210** FILED MARCH 7, 2011

**HOUSE FILE 459**

**H-1222**

- 1 Amend House File 459 as follows:
- 2 1. Page 1, line 3, before <In> by inserting <a.>
- 3 2. Page 1, after line 17 by inserting:
- 4 <b. An aggrieved employee, who formerly held civil
- 5 service rights under this chapter, may bring a civil
- 6 action in district court for matters relating to those
- 7 rights. If the employee brings such a civil action,
- 8 the city shall be responsible for payment of all the
- 9 legal fees and court costs of the employee in the
- 10 matter.>
- 11 3. By renumbering as necessary.

**By GASKILL of Wapello**

**H-1222** FILED MARCH 7, 2011

**HOUSE FILE 459**

**H-1223**

- 1 Amend House File 459 as follows:  
2 1. Page 1, line 3, before <In> by inserting <a.>  
3 2. Page 1, after line 17 by inserting:  
4 <b. An aggrieved employee, who formerly held civil  
5 service rights under this chapter, may bring a civil  
6 action in district court for matters relating to these  
7 rights. If the employee brings such a civil action and  
8 prevails, the city shall be responsible for payment of  
9 all the legal fees and court costs of the employee in  
10 the matter.>  
11 3. By renumbering as necessary.

By GASKILL of Wapello

**H-1223** FILED MARCH 7, 2011

**HOUSE FILE 459**

**H-1224**

- 1 Amend House File 459 as follows:  
2 1. Page 1, line 3, before <In> by inserting <a.>  
3 2. Page 1, after line 17 by inserting:  
4 <b. A city that has been sanctioned pursuant to the  
5 provisions of the federal Equal Employment Opportunity  
6 Act of 1972, Pub. L. No. 92-261, shall be required to  
7 establish and maintain a civil service commission as  
8 otherwise provided in this chapter.>  
9 3. By renumbering as necessary.

By GASKILL of Wapello

**H-1224** FILED MARCH 7, 2011

**HOUSE FILE 475**

**H-1163**

1 Amend House File 475 as follows:  
2 1. Page 1, line 3, after <d.> by inserting <(1)>  
3 2. Page 1, after line 8 by inserting:  
4 <(2) Grants for veterans suffering subsequent,  
5 unrelated injuries after September 11, 2001, but  
6 prior to the effective date of this Act, shall be  
7 payable, upon a showing that the veteran would have  
8 been eligible for payment had the subsequent, unrelated  
9 injury occurred on or after the effective date of this  
10 Act.  
11 Sec. \_\_\_\_\_. Section 35A.14, Code 2011, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 6. The department may appear  
14 before the executive council and request funds to meet  
15 the funding needs of the grant program under this  
16 section if funds are made available to the executive  
17 council for this purpose.>  
18 3. Page 1, after line 8 by inserting:  
19 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
20 APPLICABILITY. This Act, being deemed of immediate  
21 importance, takes effect upon enactment and applies  
22 retroactively to September 11, 2001, for veterans  
23 suffering a subsequent, unrelated injury after that  
24 date.>  
25 4. Title page, line 1, after <program> by inserting  
26 <and including effective date and retroactive  
27 applicability provisions>  
28 5. By renumbering as necessary.

**By SHAW** of Pocahontas

**H-1163** FILED MARCH 7, 2011

**HOUSE FILE 493**

**H-1230**

1 Amend House File 493 as follows:  
2 1. Page 1, after line 21 by inserting:  
3 <Sec. \_\_\_\_\_. NEW SECTION. 279.68 Leave of absence  
4 for charge of a crime ---- salary repayment.  
5 A teacher on a leave of absence with full or partial  
6 compensation because the teacher is charged with the  
7 commission of a public offense classified as a felony,  
8 an aggravated misdemeanor, or a serious misdemeanor  
9 shall repay to the school district employing the  
10 teacher all salary the teacher received during the  
11 period of the leave of absence if the teacher is  
12 convicted of the public offense.>  
13 2. Title page, line 2, after <colleges> by  
14 inserting <and teachers employed by school districts>  
15 3. By renumbering as necessary.

**By PEARSON** of Polk

**H-1230** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1164**

- 1 Amend House File 525 as follows:  
2 1. Page 2, after line 19 by inserting:  
3 <Sec. \_\_\_\_\_. Section 20.10, subsection 2, Code 2011,  
4 is amended by adding the following new paragraph:  
5 NEW PARAGRAPH. i. Offer any payment or employment  
6 benefit to an individual public employee, or discuss  
7 the possibility of such an offer, unless the public  
8 employee has signed a release to declare themselves a  
9 free agent employee.>  
10 2. By renumbering as necessary.

**By** HUNTER of Polk

**H-1164** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1165**

- 1 Amend House File 525 as follows:  
2 1. Page 2, after line 19 by inserting:  
3 <Sec. \_\_\_\_\_. Section 20.10, subsection 2, Code 2011,  
4 is amended by adding the following new paragraph:  
5 NEW PARAGRAPH. i. Coerce, threaten, or otherwise  
6 induce an employee or potential employee into signing a  
7 release to declare themselves a free agent employee.>  
8 2. By renumbering as necessary.

**By** HUNTER of Polk

**H-1165** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1166**

- 1 Amend House File 525 as follows:  
2 1. Page 3, line 6, after <including> by inserting  
3 <school superintendents, school administrators, and  
4 other>  
5 2. By renumbering as necessary.

**By** HUNTER of Polk

**H-1166** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1167**

- 1 Amend House File 525 as follows:  
2 1. Page 1, after line 10 by inserting:  
3 <Sec. \_\_\_\_\_. Section 20.4, subsections 10 and 11,  
4 Code 2011, are amended by striking the subsections.>  
5 2. By renumbering as necessary.

**By** HUNTER of Polk

**H-1167** FILED MARCH 7, 2011

HOUSE FILE 525

H-1168

- 1 Amend House File 525 as follows:  
2 1. Page 1, line 26, after <training,> by inserting  
3 <the provision of thermal imaging cameras as needed to  
4 carry out employment duties,>

By HUNTER of Polk

H-1168 FILED MARCH 7, 2011

HOUSE FILE 525

H-1169

- 1 Amend House File 525 as follows:  
2 1. Page 2, after line 19 by inserting:  
3 <Sec. \_\_\_\_ . Section 20.10, subsection 2, Code 2011,  
4 is amended by adding the following new paragraph:  
5 NEW PARAGRAPH. i. Provide to any individual  
6 employed as an administrator a benefits package which  
7 exceeds the terms of a benefits package which the  
8 public employer provides to any member of a bargaining  
9 unit employed by the public employer.>  
10 2. By renumbering as necessary.

By HUNTER of Polk

H-1169 FILED MARCH 7, 2011

HOUSE FILE 525

H-1170

- 1 Amend House File 525 as follows:  
2 1. Page 2, line 16, by striking <outsourcing.>  
3 and inserting <outsourcing, except for the purpose of  
4 precluding the hiring of illegal immigrants by the  
5 public employer.>

By HUNTER of Polk

H-1170 FILED MARCH 7, 2011

HOUSE FILE 525

H-1171

- 1 Amend House File 525 as follows:  
2 1. Page 2, line 16, by striking <outsourcing.> and  
3 inserting <outsourcing, except for the outsourcing of  
4 nurses.>

By HUNTER of Polk

H-1171 FILED MARCH 7, 2011

HOUSE FILE 525

H-1172

- 1 Amend House File 525 as follows:  
2 1. Page 2, line 16, by striking <outsourcing.> and  
3 inserting <outsourcing, except for the outsourcing of  
4 librarians.>

By HUNTER of Polk

H-1172 FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1173**

- 1 Amend House File 525 as follows:  
2 1. Page 2, line 16, by striking <outsourcing.>  
3 and inserting <outsourcing, except the outsourcing of  
4 nurses who work with needles and who become infected  
5 by human immunodeficiency virus in the course of their  
6 employment.>

By HUNTER of Polk

**H-1173** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1174**

- 1 Amend House File 525 as follows:  
2 1. Page 1, line 26, after <training,> by inserting  
3 <the provision of oxygen tanks as needed by an  
4 employee,>

By HUNTER of Polk

**H-1174** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1175**

- 1 Amend House File 525 as follows:  
2 1. Page 1, after line 10 by inserting:  
3 <Sec. \_\_\_\_ Section 20.7, subsection 3, Code 2011,  
4 is amended to read as follows:  
5 3. Suspend or discharge public employees for ~~proper~~  
6 just cause.>  
7 2. By renumbering as necessary.

By WILLEMS of Linn

**H-1175** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1176**

- 1 Amend House File 525 as follows:  
2 1. Page 1, line 26, after <training,> by inserting  
3 <the purchase of uniforms by police officers and fire  
4 fighters for personal use,>

By HUNTER of Polk

**H-1176** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1177**

1 Amend House File 525 as follows:  
2 1. Page 1, after line 10 by inserting:  
3 <Sec. \_\_\_\_\_. Section 20.7, Code 2011, is amended to  
4 read as follows:  
5 20.7 Public employer rights ---- justification for  
6 privatization.  
7 1. Public employers shall have, in addition  
8 to all powers, duties, and rights established by  
9 constitutional provision, statute, ordinance, charter,  
10 or special act, the exclusive power, duty, and the  
11 right to:  
12 1- a. Direct the work of its public employees.  
13 2- b. Hire, promote, demote, transfer, assign and  
14 retain public employees in positions within the public  
15 agency.  
16 3- c. Suspend or discharge public employees for  
17 proper cause.  
18 4- d. Maintain the efficiency of governmental  
19 operations.  
20 5- e. Relieve public employees from duties because  
21 of lack of work or for other legitimate reasons.  
22 6- f. Determine and implement methods, means,  
23 assignments and personnel by which the public  
24 employer's operations are to be conducted.  
25 7- g. Take such actions as may be necessary to  
26 carry out the mission of the public employer.  
27 8- h. Initiate, prepare, certify, and administer  
28 its budget.  
29 9- i. Exercise all powers and duties granted to  
30 the public employer by law.  
31 2. A public employer shall justify on the basis of  
32 cost efficiency any measures relating to privatization  
33 of jobs held by public employees employed by the public  
34 employer that the public employer pursues. A public  
35 employer shall provide written documentation of the  
36 justification to each public employee whose job is or  
37 may be privatized within thirty days of the date on  
38 which the public employer first pursues privatization  
39 of the public employee's job.>  
40 2. By renumbering as necessary.

**By HUNTER of Polk**

**H-1177** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1178**

1 Amend House File 525 as follows:  
2 1. Page 3, line 8, by striking <employees> and  
3 inserting <employees, including private sector  
4 employees who have contracted to perform state services  
5 in the infrastructure and professional service areas,>

**By HUNTER of Polk**

**H-1178** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1179**

- 1 Amend House File 525 as follows:  
2 1. Page 3, line 7, by striking <organization,>  
3 and inserting <organization such as athletic  
4 coaches employed by regents institutions, medical  
5 professionals, presidents of regents institutions, and  
6 department directors, and public employees excluded  
7 from the provisions of this chapter under section  
8 20.4,>

By HUNTER of Polk

**H-1179** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1180**

- 1 Amend House File 525 as follows:  
2 1. Page 2, by striking lines 16 through 19.  
3 2. By renumbering as necessary.

By HUNTER of Polk

**H-1180** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1181**

- 1 Amend House File 525 as follows:  
2 1. Page 1, after line 10 by inserting:  
3 <Sec. \_\_\_\_\_. Section 20.4, subsection 5, Code 2011,  
4 is amended by striking the subsection.>  
5 2. By renumbering as necessary.

By HUNTER of Polk

**H-1181** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1182**

- 1 Amend House File 525 as follows:  
2 1. Page 1, after line 10 by inserting:  
3 <Sec. \_\_\_\_\_. Section 20.3, subsection 3, Code 2011,  
4 is amended by striking the subsection.  
5 Sec. \_\_\_\_\_. Section 20.4, subsection 3, Code 2011, is  
6 amended by striking the subsection.  
7 Sec. \_\_\_\_\_. Section 20.4, subsection 7, Code 2011, is  
8 amended to read as follows:  
9 7. Judicial officers, and ~~confidential,~~  
10 professional, or supervisory employees of the judicial  
11 branch.>  
12 2. By renumbering as necessary.

By HUNTER of Polk

**H-1182** FILED MARCH 7, 2011



**HOUSE FILE 525**

**H-1183**

- 1 Amend House File 525 as follows:  
2 1. Page 1, by striking lines 1 through 14.  
3 2. By renumbering as necessary.

By HORBACH of Tama

**H-1183** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1190**

- 1 Amend House File 525 as follows:  
2 1. Page 3, line 18, after <services.> by inserting  
3 <However, the ability of the employer to finance  
4 economic adjustments without raising any tax shall  
5 be deemed to include the amount of any tax reduction  
6 approved or implemented by the public employer since  
7 the previous collective bargaining agreement was  
8 enacted.>

By ISENHART of Dubuque

**H-1190** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1191**

- 1 Amend House File 525 as follows:  
2 1. Page 1, line 31, after <parties.> by inserting  
3 <Negotiations shall also include terms creating one  
4 or more labor-management committees, which shall be  
5 authorized to meet during the term of the agreement to  
6 collaborate on matters of mutual interest or concern.  
7 A labor-management committee shall be a forum to  
8 discuss permissive topics of bargaining not covered  
9 by the agreement. A labor-management committee shall  
10 include equal representation of labor and management,  
11 with labor members appointed by the employee  
12 organization and management members appointed by the  
13 public employer. A labor-management committee may  
14 propose memorandums of understanding not inconsistent  
15 with the negotiated agreement, subject to ratification  
16 by members of the affected bargaining unit.>

By ISENHART of Dubuque

**H-1191** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1196**

- 1 Amend House File 525 as follows:  
2 1. Page 2, line 15, by striking <insurance.>  
3 and inserting <insurance except for coverage for  
4 mammography.>  
5 2. By renumbering as necessary.

By RUNNING-MARQUARDT of Linn

**H-1196** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1197**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance except for coverage for skilled
- 4 nursing care received in a hospital.>
- 5 2. By renumbering as necessary.

**By** RUNNING-MARQUARDT of Linn

**H-1197** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1199**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, after <other insurance> by
- 3 inserting <except for coverage for veterans for the
- 4 treatment of mental illnesses>

**By** HUNTER of Polk

**H-1199** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1200**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, by striking <outsourcing.>
- 3 and inserting <outsourcing, except for outsourcing
- 4 which consists of the hiring of contractors solely for
- 5 the purpose of decreasing wages paid by the public
- 6 employer.>

**By** HUNTER of Polk

**H-1200** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1201**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.>
- 3 and inserting <insurance, except for coverage for
- 4 occupational therapy.>

**By** HEDDENS of Story

**H-1201** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1202**

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 26, after <training,> by inserting
- 3 <the provision of bullet-proof vests as needed to carry
- 4 out employment duties,>

**By** HUNTER of Polk

**H-1202** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1203**

1 Amend House File 525 as follows:

- 2 1. Page 2, line 15, by striking <insurance.> and  
3 inserting <insurance except for postdelivery benefits  
4 and care for mothers.>  
5 2. By renumbering as necessary.

By RUNNING-MARQUARDT of Linn

**H-1203** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1205**

1 Amend House File 525 as follows:

- 2 1. Page 2, after line 19 by inserting:  
3 <Sec. \_\_\_\_ . Section 20.17, subsection 3, Code 2011,  
4 is amended to read as follows:  
5 3. Negotiating sessions, strategy meetings of  
6 public employers, mediation, and the deliberative  
7 process of arbitrators shall be exempt from the  
8 provisions of chapter 21. However, the employee  
9 organization shall present its initial bargaining  
10 position to the public employer at the first bargaining  
11 session. ~~The public employer shall present its initial~~  
12 ~~bargaining position to the employee organization at the~~  
13 ~~second bargaining session, which shall be held no later~~  
14 ~~than two weeks following the first bargaining session.~~  
15 Both sessions The public employer shall present its  
16 initial bargaining position at the same time. The  
17 session shall be open to the public and subject to the  
18 provisions of chapter 21. Parties who by agreement  
19 are utilizing a cooperative alternative bargaining  
20 process may exchange their respective initial interest  
21 statements in lieu of initial bargaining positions at  
22 these this open sessions session. Hearings conducted  
23 by arbitrators shall be open to the public.>  
24 2. By renumbering as necessary.

By HUNTER of Polk

**H-1205** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1206**

1 Amend House File 525 as follows:

- 2 1. Page 1, line 26, after <training,> by inserting  
3 <the establishment of a classroom supply fund,>

By HUNTER of Polk

**H-1206** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1207**

1 Amend House File 525 as follows:  
2 1. Page 2, after line 19 by inserting:  
3 <Sec. \_\_\_\_\_. Section 20.17, subsection 1, Code 2011,  
4 is amended to read as follows:  
5 1. The employee organization certified as the  
6 bargaining representative shall be the exclusive  
7 representative of all public employees in the  
8 bargaining unit and shall represent all public  
9 employees fairly. However, any public employee may  
10 meet and adjust individual complaints with a public  
11 employer as long as such adjustment does not affect  
12 the current collective bargaining agreement. To  
13 sustain a claim that a certified employee organization  
14 has committed a prohibited practice by breaching its  
15 duty of fair representation, a public employee must  
16 establish by a preponderance of the evidence action  
17 or inaction by the organization which was arbitrary,  
18 discriminatory, or in bad faith.>  
19 2. By renumbering as necessary.

**By** HUNTER of Polk

**H-1207** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1208**

1 Amend House File 525 as follows:  
2 1. Page 1, line 26, after <training,> by inserting  
3 <harassment policies in the workplace,>

**By** THEDE of Scott

**H-1208** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1209**

1 Amend House File 525 as follows:  
2 1. Page 2, line 15, by striking <insurance> and  
3 inserting <insurance except for insurance relating to  
4 obstetrics and gynecology services from conception  
5 until natural birth for any woman covered by an  
6 insurance plan>

**By** MURPHY of Dubuque

**H-1209** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1211**

1 Amend House File 525 as follows:  
2 1. Page 1, line 21, after <respect to> by inserting  
3 <but not limited to the following:>  
4 2. Page 1, line 22, after <absence> by inserting  
5 <including cash payments for accumulated leave>

**By** WILLEMS of Linn

**H-1211** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1212**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance except for coverage for adopted
- 4 children>

**By** HUNTER of Polk

**H-1212** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1213**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance, except for coverage of speech
- 4 therapy.>

**By** HEDDENS of Story

**H-1213** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1214**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance, except for coverage of physical
- 4 therapy.>

**By** HEDDENS of Story

**H-1214** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1217**

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance, except for coverage of mental
- 4 health and substance abuse.>

**By** WINCKLER of Scott

**H-1217** FILED MARCH 7, 2011

## HOUSE FILE 525

### H-1218

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 22, by striking <insurance> and
- 3 inserting <insurance,>
- 4 2. Page 2, line 1, after <concession.> by inserting
- 5 <A collective bargaining agreement entered into
- 6 pursuant to this chapter shall include a requirement
- 7 that a public employee who is covered by the collective
- 8 bargaining agreement and is a member of a group health
- 9 insurance plan for public employees established under
- 10 chapter 509A pay at least one hundred dollars per month
- 11 of the total premium for such health plan.>
- 12 3. Page 2, by striking line 15.
- 13 4. By renumbering as necessary.

By JORGENSEN of Woodbury

H-1218 FILED MARCH 7, 2011

## HOUSE FILE 525

### H-1220

- 1 Amend House File 525 as follows:
- 2 1. Page 4, after line 5 by inserting:
- 3 <Sec. \_\_\_\_ . NEW SECTION. 20.32 FREE AGENCY ----
- 4 PROHIBITED CONDUCT ---- PENALTIES.
- 5 1. A public employee or any other person on the
- 6 employee's behalf who receives any financial or
- 7 nonfinancial inducement or benefit from any person for
- 8 declaring themselves a free agent employee commits a
- 9 serious misdemeanor.
- 10 2. A public employee who receives disparate
- 11 treatment from a public employer, which is beneficial
- 12 to the employee in relation to the treatment the
- 13 public employee would be entitled to receive under the
- 14 negotiated agreement as a member of the bargaining unit
- 15 from which the public employee became a free agent
- 16 commits a serious misdemeanor.
- 17 3. A violation of this section is also punishable
- 18 as a civil infraction with a penalty not to exceed
- 19 twenty-five thousand dollars. A representative of the
- 20 affected bargaining unit shall may file a complaint
- 21 alleging violation of this section.>
- 22 2. Title page, line 2, by striking <agreements> and
- 23 inserting <agreements, providing penalties,>
- 24 3. By renumbering as necessary.

By ISENHART of Dubuque

H-1220 FILED MARCH 7, 2011

## HOUSE FILE 525

### H-1225

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, after <other insurance> by
- 3 inserting <except for coverage for oral chemotherapy>

By JACOBY of Johnson

H-1225 FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1228**

- 1 Amend House File 525 as follows:  
2 1. Page 2, line 15, after <other insurance> by  
3 inserting <except for coverage for biologically based  
4 mental illnesses>

By M. SMITH of Marshall

**H-1228** FILED MARCH 7, 2011

**HOUSE FILE 525**

**H-1229**

- 1 Amend House File 525 as follows:  
2 1. Page 2, line 20, after <subsections> by  
3 inserting <2,>  
4 2. Page 2, after line 21 by inserting:  
5 <2. Each party shall serve its final offer on  
6 each of the impasse items upon the other party within  
7 four days of the board's receipt of the request for  
8 arbitration. The parties may continue to negotiate  
9 all offers until an agreement is reached or an award  
10 is rendered by the arbitrator. The full costs of  
11 arbitration under this section shall be shared equally  
12 by the parties to the dispute, except that if the  
13 arbitrator determines that one or more of the offers  
14 submitted by only one party are unreasonable, the  
15 arbitrator shall, in any final decision, assess the  
16 full costs of the arbitration proceeding against that  
17 party.>  
18 3. By renumbering as necessary.

By WOLFE of Clinton

**H-1229** FILED MARCH 7, 2011

**HOUSE FILE 535**

**H-1186**

1 Amend House File 535 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. DEPARTMENT OF EDUCATION PRESCHOOL  
5 FUNDING REVIEW. The department of education shall  
6 conduct a review of the preschool foundation aid  
7 funding for the statewide preschool program for  
8 four-year-old children established under chapter 256C,  
9 including a review of the feasibility of establishing  
10 a sliding tuition scale for families whose incomes  
11 are above 300 percent of the federal poverty level as  
12 defined by the most recently revised poverty income  
13 guidelines published by the United States department  
14 of health and human services. The department shall  
15 submit its findings and recommendations, including but  
16 not limited to recommendations for statutory changes  
17 relating to program funding and tuition charges, in a  
18 report to the governor, the general assembly, and the  
19 state board of education by December 1, 2011.>

20 2. Title page, by striking lines 1 through 4 and  
21 inserting <An Act providing for a review of preschool  
22 foundation aid funding for the statewide preschool  
23 program for four-year-old children.>

By WILLEMS of Linn

**H-1186** FILED MARCH 7, 2011

**HOUSE FILE 535**

**H-1188**

1 Amend House File 535 as follows:

2 1. Page 2, after line 30 by inserting:

3 <\_\_\_\_. "High-quality preschool program" means a  
4 preschool program that meets the federal head start  
5 program performance standards adopted pursuant to the  
6 federal Improving Head Start for School Readiness  
7 Act of 2007, Pub. L. No. 110-134, the Iowa quality  
8 preschool program standards and criteria as determined  
9 by the department in accordance with 281 IAC 16.3, and  
10 the national association for the education of young  
11 children program standards and accreditation criteria.>

12 2. Page 5, line 13, after <standards> by inserting  
13 <, including but not limited to the federal head start  
14 program performance standards adopted pursuant to the  
15 federal Improving Head Start for School Readiness  
16 Act of 2007, Pub. L. No. 110-134, the Iowa quality  
17 preschool program standards and criteria as determined  
18 by the department in accordance with 281 IAC 16.3, and  
19 the national association for the education of young  
20 children program standards and accreditation criteria>

21 3. Page 11, line 34, by striking <high-quality>

22 4. Page 12, line 1, before <preschool> by inserting  
23 <high-quality>

By FORRISTALL of Pottawattamie

**H-1188** FILED MARCH 7, 2011



HOUSE FILE 535

H-1216

1 Amend House File 535 as follows:

- 2 1. Page 11, line 34, by striking <high-quality>  
3 2. Page 12, line 1, before <preschool> by inserting  
4 <high-quality>

By FORRISTALL of Pottawattamie

H-1216 FILED MARCH 7, 2011

HOUSE FILE 535

H-1226

1 Amend House File 535 as follows:

- 2 1. Page 8, after line 20 by inserting:  
3 <6. Private education partner ---- religious  
4 expression. An approved high-quality preschool  
5 program offered by a religious entity or organization  
6 shall not be prohibited from the free exercise of  
7 religion during the program's hours of instruction if  
8 the program meets the program requirements established  
9 pursuant to this section.>  
10 2. By renumbering as necessary.

By J. TAYLOR of Woodbury

MUHLBAUER of Crawford

H-1226 FILED MARCH 7, 2011

HOUSE FILE 535

H-1231

1 Amend House File 535 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. DEPARTMENT OF EDUCATION ---- PRESCHOOL  
5 STUDIES.

6 1. The department of education, in collaboration  
7 with the board of educational examiners, shall conduct  
8 a study of preschool programs and related funding,  
9 administration, teacher preparation, and licensure  
10 issues; income levels of families utilizing the  
11 programs; student achievement levels; efficacy for  
12 populations served or potentially served; and the  
13 availability of public and private preschool programs  
14 statewide. The study shall also explore the use of  
15 a statewide assessment to determine kindergarten  
16 preparedness. The department shall submit its  
17 findings, plans for future funding, and recommendations  
18 for statutory language in a report to the general  
19 assembly by December 15, 2011.

20 2. The department of education shall conduct a  
21 longitudinal study of the children who participated  
22 in the statewide preschool program for four-year-old  
23 children to determine the effectiveness of the  
24 program in improving student learning in reading  
25 and mathematics. The study shall include the income  
26 levels of families whose children were enrolled in  
27 the program, shall review the quality indicators of  
28 the preschool program since 2007, and shall include  
29 the results of the Iowa tests of basic skills results  
30 for students in grade three who were enrolled in the  
31 program as four-year-olds. The study shall also review  
32 the integration of services provided or funded by the  
33 federal head start program, the early childhood Iowa  
34 initiative, shared visions, or federal and state early  
35 childhood special education programs. The department  
36 shall report the results of the study to the governor  
37 and general assembly on or before July 1, 2013.>

38 2. Title page, by striking lines 1 through 4 and  
39 inserting <An Act requiring the department of education  
40 to conduct studies of preschool programs and the  
41 effectiveness of the statewide preschool program for  
42 four-year-old children.>

By WINCKLER of Scott  
MASCHER of Johnson

H-1231 FILED MARCH 7, 2011

HOUSE FILE 537

H-1232

1 Amend House File 537 as follows:

2 1. Page 1, after line 30 by inserting:

3 <Sec. \_\_\_\_\_. Section 231C.5, subsection 2, paragraphs  
4 b and h, Code 2011, are amended to read as follows:

5 b. A statement regarding the impact of the fee  
6 structure on third-party payments, and whether  
7 third-party payments and resources are accepted by the  
8 assisted living program. The occupancy agreement shall  
9 also include a statement regarding whether third-party  
10 payment is a basis for involuntary transfer or transfer  
11 and the program's policy regarding retention or  
12 involuntary transfer or transfer of a tenant following  
13 depletion of private resources. A tenant residing in  
14 an assisted living program prior to July 1, 2011, shall  
15 not be subject to involuntary transfer or transfer  
16 based solely on source of payment, unless the occupancy  
17 agreement entered into prior to that date specifically  
18 provided otherwise and was signed by the tenant or the  
19 tenant's legal representative. An assisted living  
20 program shall amend any occupancy agreement entered  
21 into prior to July 1, 2011, to reflect the requirements  
22 of this paragraph and shall obtain the signature  
23 of the tenant or the tenant's legal representative  
24 acknowledging the amendment to the occupancy agreement  
25 no later than November 1, 2011.

26 h. (1) Occupancy, involuntary transfer, and  
27 transfer criteria and procedures, which ensure a safe  
28 and orderly transfer.

29 (2) Involuntary transfer and transfer criteria,  
30 including criteria relating to third-party payments  
31 and resources, shall be explicitly stated in the  
32 occupancy agreement and shall also be included in a  
33 separate cover letter to the occupancy agreement and  
34 signed by the tenant or tenant's legal representative  
35 at the time of initial tenancy. An assisted living  
36 program shall amend any occupancy agreement entered  
37 into prior to July 1, 2011, to reflect the requirements  
38 of this subparagraph and shall obtain the signature  
39 of the tenant or the tenant's legal representative  
40 acknowledging the amendment to the occupancy agreement  
41 no later than November 1, 2011.>

42 2. Title page, line 1, after <to> by inserting  
43 <assisted living programs, including>

44 3. By renumbering as necessary.

By ISENHART of Dubuque

H-1232 FILED MARCH 7, 2011

**HOUSE FILE 537**

**H-1233**

1 Amend House File 537 as follows:

2 1. Page 1, line 27, by striking <sole> and  
3 inserting <dominant>

4 2. Page 1, line 30, after <corporation.> by  
5 inserting <For the purposes of this paragraph,  
6 "dominant provider" means an entity providing  
7 assistance with instrumental activities of daily  
8 living, personal care, or health-related care to  
9 fifty percent or more of the tenants receiving such  
10 assistance.>

By ISENHART of Dubuque

**H-1233** FILED MARCH 7, 2011

**HOUSE FILE 549**

**H-1219**

1 Amend House File 549 as follows:

2 1. Page 3, after line 7 by inserting:

3 <4A. The owner of a motor vehicle shall not be  
4 liable for a violation detected by an automated traffic  
5 enforcement system if a uniform traffic citation  
6 was issued to the operator of the motor vehicle in  
7 connection with the same violation.>

8 2. By renumbering as necessary.

By WATTS of Dallas

**H-1219** FILED MARCH 7, 2011

**HOUSE FILE 566**

**H-1193**

1 Amend House File 566 as follows:

2 1. By striking page 103, line 25, through page 104,  
3 line 25.

4 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY

ANDERSON of Page, Chairperson

**H-1193** FILED MARCH 7, 2011

## HOUSE CONCURRENT RESOLUTION 13

### H-1162

1 Amend House Concurrent Resolution 13 as follows:  
2 1. Page 1, line 12, by striking <preserve> and  
3 inserting <enhance>  
4 2. Page 1, line 14, after <use of> by inserting  
5 <safe>  
6 3. Page 2, by striking lines 2 through 6 and  
7 inserting:  
8 <WHEREAS, states bear an undue burden from  
9 toxic chemicals, including health care costs and  
10 environmental damages, disadvantaging businesses that  
11 lack information on chemicals in their supply chain,  
12 and increasing demands for state regulation; NOW  
13 THEREFORE,>  
14 4. Page 2, lines 13 and 14, by striking <their  
15 intended use> and inserting <people and the  
16 environment>  
17 5. Page 2, line 22, by striking <of chemicals> and  
18 inserting <and disposal of chemicals, including a focus  
19 on geographic areas with significant exposures>  
20 6. Page 2, line 30, by striking <children> and  
21 inserting <human beings and the environment>  
22 7. Page 3, line 4, after <impose a> by inserting  
23 <full>  
24 8. Page 3, by striking line 8 and inserting <should  
25 provide that companies and the EPA will work together>  
26 9. Page 3, line 12, after <rely on> by inserting  
27 <the best available>  
28 10. Page 3, line 17, by striking <enable> and  
29 inserting <ensure>  
30 11. Page 3, line 17, by striking <to have> and  
31 inserting <has>  
32 12. Page 3, after line 19 by inserting:  
33 <BE IT FURTHER RESOLVED, That the policy reforms  
34 should reward innovation by fast-tracking approval  
35 of new demonstratively safer chemicals, and reward  
36 investment in green chemistry research and workforce  
37 development to boost American business and spur jobs in  
38 the manufacture of safer alternatives; and>  
39 13. Page 3, line 23, after <competitive> by  
40 inserting <, safe chemical>

By ISENHART of Dubuque

H-1162 FILED MARCH 7, 2011

## SENATE FILE 321

### H-1221

1 Amend Senate File 321, as passed by the Senate, as  
2 follows:  
3 1. Page 1, after line 34 by inserting:  
4 <(\_\_\_\_) The wastewater is not land applied on the  
5 same area on more than one occasion within a five-day  
6 period.>

By ISENHART of Dubuque

H-1221 FILED MARCH 7, 2011



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**HF 452** – Biodiesel Retailer Tax Credit (LSB 1861HV)

Analyst: Jeff Robinson (Phone: 515-281-4614) ([jeff.robinson@legis.state.ia.us](mailto:jeff.robinson@legis.state.ia.us))

Fiscal Note Version – New

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**Description**

**House File 452** relates to biodiesel production and retail tax incentives. The Bill extends and amends Iowa's current three-cent per gallon Biodiesel Blended Fuel Tax Credit retail incentive.

- Eliminates requirement that diesel gallon sales must meet a threshold of at least 50.0% biodiesel in order to qualify for the credit.
- Raises the minimum percent biodiesel required for a gallon to qualify for a tax credit from the current 2.0% (B-2) to 10.0% (B-10).
- Eliminates the requirement that the tax credit be calculated separately for each retail site owned by the same company.
- Extends the sunset date for the tax credit by three years, to January 1, 2015.
- Maintains the credit at three cents per gallon of biodiesel blended fuel.

The Bill is effective January 1, 2012.

**Assumptions**

1. The Department of Revenue 2009 Retailers Motor Fuel Gallons Annual Report states that a total of 205.2 million gallons of B-2 or higher biodiesel gallons were sold at retail in CY 2009, according to reports filed with the Department by retailers.
2. For CY 2012 through CY 2014, biodiesel blended gallons sold at retail are assumed to be:
  - a. CY 2012 = 220.0 million
  - b. CY 2013 = 236.0 million
  - c. CY 2014 = 252.0 million
3. For each calendar year, 20.0% of the total biodiesel gallons sold is assumed to be B-10 or higher. This 20.0% figure is composed of 30.0% B-10 for the months of April through October and 6.0% for the remaining five months.
4. Tax credits earned in CY 2012 are assumed to impact FY 2012 (20.0%) and FY 2013 (80.0%). CY 2013 and CY 2014 sales will have the same pattern.
5. The \$1.00 per gallon federal blender's credit, set to expire December 31, 2011, will be extended to at least December 31, 2014.

**Fiscal Impact**

Redemption by taxpayers of the revised and extended refundable Biodiesel Blended Fuel Tax Credit is projected to decrease net General Fund revenue by \$4.2 million over four fiscal years. See the following chart for more detail.

Biodiesel Blended Fuel Tax Credit Extension and Revision				
Calendar Year	Biodiesel Blended Gallons	Biodiesel Gallons B-10 or Higher	Tax Credit General Fund Revenue Reduction	Fiscal Year
CY 2012	220,000,000	44,000,000	264,000	FY 2012
CY 2013	236,000,000	47,200,000	1,339,200	FY 2013
CY 2014	252,000,000	50,400,000	1,435,200	FY 2014
	N/A	N/A	1,209,600	FY 2015
	708,000,000	141,600,000	\$ 4,248,000	

The pure biodiesel gallons of retail biodiesel (for B-10 it means 10.0% of each gallon of B-10 biodiesel) are included in the threshold percentage calculation for the tax credit available under the Ethanol Promotion Tax Credit (see Code Section 422.11N). Increasing the total gallons of pure biodiesel sold at retail in Iowa will increase participating retailer's biofuels percentage as calculated for the Ethanol Promotion Tax Credit. At B-10 however, this fiscal estimate represents 4.7 million gallons of pure biodiesel each year. This is less than 1.0% of all retail petroleum gallons sold in Iowa annually, so this tax credit change is not assumed to increase the redemption of Ethanol Promotion Tax Credits significantly.

The Biodiesel Blended Fuel Tax Credit is refundable, so it does not impact the Local Option Income Surtax for Schools.

### **Sources**

Department of Revenue 2009 Retailers Motor Fuel Gallons Annual Report  
Department of Revenue Tax Credit Contingent Liabilities Report  
Legislative Services Agency Analysis

/s/ Holly M. Lyons

March 4, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

# Fiscal Note

*Fiscal Services Division*



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**HF 493** – Salary Repayment Plan for Convicted Professors (LSB 1551HV)  
Analyst: Dwayne Ferguson (Phone: 515-281-6561) ([dwayne.ferguson@legis.state.ia.us](mailto:dwayne.ferguson@legis.state.ia.us))  
Fiscal Note Version – New

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## **Description**

**House File 493** requires Regents university and community college faculty members that are on paid administrative leave when charged with a public offense to repay the salary they received while on leave if they are convicted.

## **Background**

The University of Iowa recently has had two faculty members receive \$430,000 while on paid administrative leave because of criminal charges, but neither the University of Northern Iowa or Iowa State University have placed faculty members on paid administrative leave for criminal charges in the last several years.

Over the past five years, three of the 15 community colleges have had a total of nine faculty members charged with a serious misdemeanor or more serious crime. Five were convicted. A total of 30 days were covered by paid leave at a salary cost of \$5,000.

## **Summary of Impacts**

These incidents occur too infrequently to identify a trend or fiscal impact.

## **Sources**

Board of Regents

Department of Education

<http://www.kcrq.com/news/local/Paid-Leaves-for-Charged-Professors-Cost-University-of-Iowa--109932074.html>

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/s/ Holly M. Lyons

March 7, 2011

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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## Fiscal Note

*Fiscal Services Division*



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### **HF 392** – Plumbers Licensing Repeal (LSB 1260HV)

Analyst: Deborah Thompson (Phone: 515-281-6764) ([deborah.thompson@legis.state.ia.us](mailto:deborah.thompson@legis.state.ia.us))

Fiscal Note Version – New

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#### **Description**

**House File 392** makes several changes to the Iowa Board of Plumbing and Mechanical Systems, including but not limited to:

- Establishes license fees of \$50 each for an apprentice and journeyman's license and \$125 for a master license. Each additional license is one-half the cost of the initial master license (\$62.50).
- Changes the licensing period from two years to three years.
- Requires the Board to refund \$3.0 million to current licensees that have paid fees. The Board began accepting license fees in March of 2009.
- Requires all licensing Boards under Code Chapter 272C to submit a report to the General Assembly each fiscal year that includes a three-year balance sheet projection. If the projected revenue exceeds expense projections by more than 10.0%, the Board is required to reduce the fee schedules so that projected revenues are no more than 10.0% higher than projected expenses.

#### **Background**

Currently, licenses are issued by the Board on a biennial basis and the fees are as follows:

	Current		Proposed	
<b>Apprenticeship</b>	\$50	Biennial	\$50	Three-Year
<b>Journeyman</b>	\$100	Biennial	\$50	Three-Year
<b>Master</b>	\$250	Biennial	\$125	Three-Year

Also, if a licensee purchases more than one license at a time it is called a combined license. The fee for a combined license is the sum total of each of the separate license fees reduced by 30.0%. All fee revenue generated is retained by the Board to fund their operations.

#### **Assumptions**

- An estimated 13,600 licensees will renew their licenses in FY 2011 for total revenue of \$1.9 million. Approximately 50.0% of the licensees hold two to four licenses.
- The current carryforward from FY 2010 is \$4.4 million for a total balance of approximately \$6.4 million in FY 2011.
- An estimated 1,150 new licenses will be issued annually in FY 2011, FY 2012, and FY 2013 for additional revenue each year of \$88,000.
- The Board will issue \$3.0 million of refunds on a pro rata basis in FY 2011. The Board anticipates expenditures of \$360,400 to issue the refunds while current staff continues to process applications for new and renewed licenses.
- The Board will need 15 temporary FTEs for six months to issue approximately 16,000 refunds to current license holders. Office space rental, computers, and miscellaneous expenses are included in this estimate.
- The estimated annual budget for the Board is approximately \$1.3 million.

**Fiscal Impact**

There is no impact to the General Fund. The Board retains fees charged to licensees to fund its operations. The provisions of [HF 392](#) will decrease revenue to the Board and will result in an estimated shortfall of \$697,000 to the operating budget of the Iowa Board of Plumbers and Mechanical Systems by the time the next renewal is scheduled in March of 2013.

	<b>Total Revenue</b>	<b>Projected Balance</b>
<b>FY 2011</b>	\$ 6,387,160	\$ 1,726,760
<b>FY 2012</b>	\$ 1,814,662	\$ 514,662
<b>FY 2013</b>	\$ 602,564	\$ (697,436)

**Source**

Department of Public Health

/s/ Holly M. Lyons

March 7, 2011

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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## Fiscal Note

*Fiscal Services Division*



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**HF 456** – Division of Libraries (LSB 1211HV)

Analyst: Robin Madison (Phone: 515-281-5270) ([robin.madison@legis.state.ia.us](mailto:robin.madison@legis.state.ia.us))

Fiscal Note Version – New

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### **Description**

**House File 456** implements the recommendations of the Iowa Library Services Reorganization Report submitted to the General Assembly on November 1, 2010, as directed in **SF 2376** (FY 2011 Education Appropriations Act).

The Bill combines the existing State Library (established in the Code as the Division of Libraries and Information Services within the Department of Education) and six Library Service Areas (LSAs) into the Division of Library Services, established as an independent division of the Department of Education. The Division will be overseen by the State Commission of Libraries that currently oversees the State Library. The Commission will be expanded from eight to nine members, including seven appointed by the Governor to four-year terms. The Governor's appointees must include two public librarians, one public library trustee, one academic librarian, one school or area education agency librarian, and two at-large members. The Commission will be charged with organizing, staffing, and administering the Division in a manner that provides the greatest benefit to libraries in Iowa. The Bill specifies that the Commission will assume all of the outstanding obligations of the current LSAs beginning July 1, 2011. The Bill directs the LSAs to transfer their State-funded assets and title to any State-funded real estate to the State Librarian prior to that date. It further specifies that remaining assets and liabilities that cannot be transferred must be liquidated or settled, and the remaining moneys transferred to the General Fund. The Bill also requires that all fund balances from State appropriations allocated to the LSAs that remain unobligated and unencumbered at that time must be transferred to the General Fund.

The new Division will consist of three units: the Library Support Network, the Specialized Library Services unit that will include the State Law Library, and the existing State Data Center. The Library Support Network will offer services and programs for libraries through the establishment of district offices. After a mandated merger of two LSAs in FY 2010, there are currently six LSAs; the Bill limits the number of district offices to six. The Specialized Library Services unit will provide information services to the three branches of State government and offer information services to the general public in the areas of Iowa law, State documents, and Iowa history and culture.

The Bill directs the State Librarian to convene a Library Services Advisory Panel to advise and recommend to the Commission and Division evidence-based best practices, assist in determining service priorities, articulate the needs and interests of librarians, and share research and professional development information. The Advisory Panel must include at least 11 members representing libraries of all sizes and types, including various population levels and geographic regions of the State, and must meet at least twice per year and submit recommendations at least once per year. Members of the Advisory Panel will be reimbursed from State funds for expenses incurred in the performance of their duties.

Employees of the current LSAs that are hired by the new Division will be given credit for accrued vacation and sick leave. The personnel records of each LSA must be submitted to the new Division by July 1, 2011.

### **Background**

For FY 2011, the LSAs received a General Fund appropriation of \$1.1 million and a Rebuild Iowa Infrastructure Fund (RIIF) appropriation of \$50,000, both distributed equally among the six regions. For FY 2011, the State Library received a General Fund appropriation of \$1.3 million. At this time, total General Fund support in FY 2011 for the two entities is \$2.4 million.

The State Library estimates the need for each district office to have one Consultant and one Project Coordinator and anticipates hiring many current LSA staff for these positions. The LSA employees currently participate in State insurance and retirement benefits but are not otherwise considered State employees.

The State Library anticipates starting with at least 12 members on the Advisory Panel. Some members may be able to travel in city-owned or university-owned vehicles and will not claim reimbursement from the State for their travel to meetings.

The LSA ending fund balances for FY 2011 will be transferred to the General Fund. At the end of FY 2010, the LSAs had a total ending fund balance of \$843,000. It is not possible to estimate how much of this amount will remain at the end of FY 2011.

### **Assumptions**

1. Staffing: The new Division will establish six district offices. Each will require 1.0 FTE District Consultant and 1.0 FTE Project Coordinator. Statewide cost for staffing the district offices in FY 2012 is estimated to be \$848,728.
  - a. District Consultants will be paid at the maximum Library Consultant pay grade of \$69,205. Project Coordinators will be paid at the mid-range of Library Resource Technician pay grade of \$42,538. Salaries reflect FY 2012 across-the-board adjustments totaling 2.5% based on current collective bargaining agreements.
  - b. Employee benefits will cost an additional 27.0% of the salary amount for each position.

<b>FY 2012 Employee Costs for District Offices</b>					
6 Offices	District Consultant	x 6.0 FTE	Project Coordinator	x 6.0 FTE	Total
Salary	\$ 69,205	\$ 415,230	\$ 42,538	\$ 255,225	
Benefits	18,402	110,410	11,311	67,864	
Subtotal	<u>\$ 87,607</u>		<u>\$ 53,848</u>		
Total		<u>\$ 525,639</u>		<u>\$ 323,089</u>	<u>\$ 848,728</u>

2. The new Division will be charged \$25.38 per employee per month by the Department of Administrative Services (DAS) for human resources services, for an annual cost of \$3,655.
3. Six vehicles currently owned by the LSAs will be transferred to the new Division and used by the district offices. Maintenance on the vehicles will become the responsibility of the DAS. Each vehicle will generate a monthly \$200 maintenance fee paid to the DAS, for a total of \$14,400 annually.

4. Each District Consultant will be required to travel two nights per week (104 nights annually) and will be reimbursed for meals and lodging at \$84 per night, for a statewide annual cost of \$52,416.
5. Each District Consultant will require the use of a cell phone at a cost of \$70 per month, for a statewide annual cost of \$5,040.
6. Each district office will require Internet service at a cost of \$40 per month, for a statewide annual cost of \$2,880.
7. Computers will be provided for District Consultants and Project Coordinators at a first-year cost of \$1,800 per district office, for a first-year statewide total of \$10,800.
8. District offices will be established rent-free under agreements with local libraries, Area Education Agencies, community colleges, or other public entities. Agreements may involve limited financial participation for things such as utilities and maintenance. The current cost-free housing arrangement for the existing Central LSA will be continued. Housing costs for the remaining district offices will average \$300 per month per office, for a statewide total of \$18,000 per year.
9. The district offices will require outside services for field consulting and special projects at a total annual cost of \$50,000. This expense will continue to be supported by an annual RIIF appropriation, rather than the General Fund, however, the FY 2012 RIIF funding has not yet been appropriated.
10. Twelve Advisory Panel members will be reimbursed for expenses for two meetings per year, with additional meetings held via the Iowa Communications Network or by webinar. Mileage reimbursement at \$0.39 per mile will total \$2,000 annually. Meals will average \$12 per person, for an annual total of \$288. Total annual cost for Advisory Panel expenses will be \$2,288.
11. In FY 2013, each Project Coordinator will receive a step increase in salary of 4.5%. District Consultants will be at the top of their pay grade and ineligible for step increases. All salaries will increase by 3.0% to reflect the across-the-board adjustment included in the current collective bargaining agreement. The cost of employee benefits will increase 10.0% annually.
12. In FY 2013, costs not associated with salaries and benefits will increase by an inflation factor of 1.5% (CPI-U, December 2010).

### **Fiscal Impact**

The estimated cost to the General Fund for the support of six district offices as established in [House File 456](#) as part of the Division of Library Services is \$958,000 in FY 2012. Compared to the estimated FY 2011 General Fund appropriation for the LSAs, this is a decrease of \$120,000.

The FY 2011 ending fund balances of the LSAs will transfer to the General Fund and offset the fiscal impact of [House File 456](#) to the General Fund in FY 2012. It is currently not possible to estimate the amount of the FY 2011 ending balance.

The FY 2013 General Fund cost is estimated to be \$998,000. This is an increase of \$40,000 compared to the FY 2012 estimate.

**Source**

Division of Libraries and Information Services, Department of Education

/s/ Holly M. Lyons

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March 7, 2011

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